

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal No. 3:04-CR-57-1
(BAILEY)**

LUIS PEREZ,

Defendant.

ORDER DENYING MOTION FOR FAST-TRACK APPLICATION

On this day, the above-styled matter came before this Court for consideration of the defendant's Motion for Fast-Track Application [Doc. 190].

On November 24, 2004, the defendant signed a written plea agreement by which he agreed to plead guilty to one count of distribution of cocaine base [Doc. 21]. On June 3, 2005, the Court sentenced the defendant to a term of incarceration of 180 months [Doc. 69].

In a document dated July 12, 2012, the defendant moves this Court for a fast-track application. As explained by the Fourth Circuit, fast-tracking "refers to a procedure that originated in states along the United States-Mexico border, where district courts experienced high caseloads as a result of immigration violations. To preserve resources and increase prosecutions, prosecutors sought to obtain *pre-indictment pleas* by offering defendants lower sentences through charge-bargaining or through motions for downward departure." ***United States v. Perez-Pena***, 453 F.3d 236, 238 (4th Cir. 2006) (emphasis

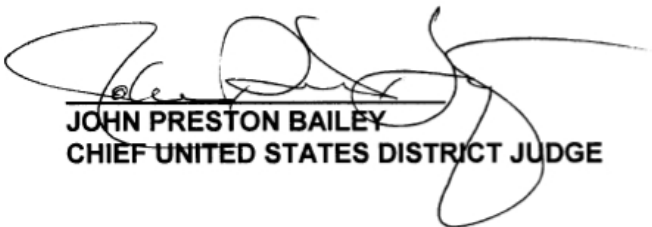
added); see also **United States v. Ramirez-Morazan**, 2013 WL 71782, at *3, n.1 (4th Cir. Jan. 8, 2013). The defendant pleaded guilty pursuant to a plea agreement and was subsequently sentenced by this court and therefore, the use of fast tracking is unavailable to him.

For the foregoing reasons, it is the opinion of this Court that the defendant's Motion for a Fast Track Application [**Doc. 190**] should be, and the same is, hereby **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* defendant.

DATED: February 15, 2013.



JOHN PRESTON BAILEY
CHIEF UNITED STATES DISTRICT JUDGE